

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Antoinette Fondren, Ferdinand Orellana, William
Stirrsman, Sean Daly, and James C. Monaghan,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

JPMorgan Chase Bank, National Association,
JPMorgan Chase & Company, Compensation &
Management Development Committee of the
Board of Directors for JPMorgan Chase &
Company, the Selection Committee, the
Employee Plans Investment Committee, J.P.
Morgan Investment Management Inc., Head of
Human Resources for JPMorgan Chase & Co.,
Chief Financial Officer for JPMorgan Chase &
Co., Benefits Director of JPMorgan Chase &
Co., Terry Belton, Bernadette Branosky, Corrine
Burger, Sally Durdan, Thelma Ferguson, Tom
Horne, Bei Ling, Pablo Sanchez, Erik Umlauf,
David Watson, Michael Weinbach, Stephen B.
Burke, Lee R. Raymond, William C. Weldon,
John C. Donnelly, Marianne Lake, and John
Does 1-20,

Defendants.

Civil Action No.: 17-563

**DECLARATION OF DONNA SIEGEL MOFFA IN SUPPORT OF PLAINTIFFS'
OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS TO EXCLUDE, IN PART,
THE OPINIONS AND TESTIMONY OF MARCIA S. WAGNER AND
THE OPINIONS AND TESTIMONY OF CYNTHIA L. JONES**

I, Donna Siegel Moffa, hereby declare as follows:

1. I am Counsel at the law firm of Kessler Topaz Meltzer & Check, LLP, lead class counsel for Plaintiffs in this action. I submit this declaration in support of Plaintiffs' Omnibus Opposition to Defendants' Motions to Exclude, In Part, The Opinions and Testimony of Marcia S. Wagner and The Opinions and Testimony of Cynthia L. Jones ("Plaintiffs Opp.") to, *inter alia*, place before the Court the following documents attached as exhibits hereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of Excerpts of the Deposition of Cynthia L. Jones, August 22, 2019.

3. Attached hereto as Exhibit 2 is a true and correct copy of Excerpts of the Deposition of Marcia S. Wagner, October 11, 2019.

4. Attached hereto as Exhibit 3 is a true and correct copy of *Abbott v. Lockheed Martin Corp.*, No. 3:06-cv-00701, ECF No. 225, slip op. (N.D. Ill. Mar. 31, 2009).

5. Attached hereto as Exhibit 4 is a true and correct copy of *Cates v. Trustees of Columbia Univ. in City of New York*, No. 1:16-cv-06524, ECF No. 349, Report and Recommendation (S.D.N.Y. Oct. 25, 2019).

6. Attached hereto as Exhibit 5 is a true and correct copy of *Fuller v. SunTrust Banks, Inc.*, No. 1:11-cv-784-ODE, ECF No. 278, slip op. (N.D. Ga. filed Oct. 3, 2019).

7. Attached hereto as Exhibit 6 is a true and correct copy of the Memorandum of Law at ECF No. 219 in *Moreno v. Deutsche Bank Ams. Holding Corp.*, No. 1:15-cv-09936 (LGS) (S.D.N.Y.).

8. Attached hereto as Exhibit 7 is a true and correct copy of *Sacerdote v. New York Univ.*, No. 1:16-cv-06284, ECF No. 70, slip op. (S.D.N.Y. Apr. 5, 2018).

9. By Order dated October 3, 2019 [ECF No. 156], this Court approved certain redactions to the expert reports submitted by Plaintiffs' expert, Marcia S. Wagner. The

redactions in Plaintiffs Opp. quote language from those expert reports that the Court ordered may be redacted in its October 3, 2019 Order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 2019, in Radnor, Pennsylvania.



Donna Siegel Moffa (*pro hac vice*)
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CERTIFICATE OF SERVICE

I, Joseph H. Meltzer, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's CM/ECF system. Those attorneys who are registered CM/ECF users may access these filings, and notice of these filings will be sent to those parties by operation of the CM/ECF system.

November 15, 2019

s/ Joseph H. Meltzer
Joseph H. Meltzer